

THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

NOVARTIS PHARMACEUTICALS	X	
CORPORATION, NOVARTIS AG,	:	
NOVARTIS PHARMA AG, NOVARTIS	:	
INTERNATIONAL PHARMACEUTICAL	:	
LTD. and LTS LOHMANN THERAPIE-	:	
SYSTEME AG,	:	
	:	
Plaintiffs,	:	C.A. No. 13-cv-52-RGA
	:	
v.	:	
	:	
ALVOGEN PINE BROOK, INC. and	:	
ALVOGEN GROUP, INC.,	:	
	:	
Defendants.	:	
	X	

~~PROPOSED~~ ORDER

**THIS MATTER**, having come before the Court on the Motion of Defendants Alvogen Pine Brook, Inc. and Alvogen Group, Inc. (collectively "Alvogen"), by counsel, Proctor Heyman LLP and Axinn, Veltrop & Harkrider LLP, for the entry of an Order granting Defendants' Motion for Leave to File a Motion for Summary Judgment of Noninfringement, and the Court having considered the papers submitted in support of the Motion, and for good cause shown;

IT IS on this 24<sup>th</sup> day of June, 2014;

**ORDERED** that Defendants' Motion for Leave to file a Motion for Summary Judgment of Noninfringement be and hereby is **GRANTED**; and

**ORDERED** that Defendants' Motion for Summary Judgment of Noninfringement be and hereby is **GRANTED**. This summary judgment of nonfringement shall apply solely to U.S. Patents Nos. 6,355,031 ("031 patent") and 6,316,023 ("023 patent") and solely to the 4.6 mg/24

hr and 9.5 mg/24 hr dosage strength rivastigmine transdermal system products presently described in Alvogen's ANDA No. 204403. By entry of this summary judgment, Plaintiffs shall not be deprived of their right to pursue any and all relief against Alvogen (including Alvogen's subsidiaries, officers, directors, employees, customers, distributors, suppliers, representatives and agents, and their successors and assigns) for infringement of the '031 patent and/or the '023 patent in the event that Plaintiffs subsequently discover that the specification(s), composition(s), method(s) of manufacture or other aspect(s) of the 4.6 mg/24 hr and/or 9.5 mg/24 hr dosage strength rivastigmine transdermal system products presently described in Alvogen's ANDA No. 204403 have changed so as to result in infringement of the '031 patent and/or the '023 patent.

A handwritten signature in black ink, reading "Richard G. Andrews". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Honorable Richard G. Andrews, U.S.D.J.